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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,786	07/02/2003	Mari Abe	JP920020093US1	5470
7590	09/20/2006		EXAMINER	
Louis P. Herzberg Intellectual Property Law Dept. IBM Corporation P.O. Box 218 Yorktown Heights, NY 10598			LUDWIG, MATTHEW J	
			ART UNIT	PAPER NUMBER
			2178	
DATE MAILED: 09/20/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/612,786	ABE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Matthew J. Ludwig	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 06 July 2006.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-8, 10, 11, 14 and 17-23 is/are rejected.

7)  Claim(s) 9, 12, 13, 15, 16 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_.  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_.

## **DETAILED ACTION**

1. This action is in response to the amendment filed 7/6/06.
2. Claims 1-23 are pending in the application. Claims 1, 2, 5, 10, 14, and 17, are independent claims.
3. The rejections of claims 1-23 rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter have been removed in accordance with applicant's amendment. Also, claims 1, 5, 10, 14, and 17, rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement have been withdrawn pursuant to applicant's arguments. Finally, claims 1-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Silva in view of Fernandez have been withdrawn pursuant to applicant's arguments.

### ***Claim Rejections - 35 USC § 112***

4. **Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**In reference to independent claim 3,** the sentence is a run-on sentence, which fails to distinguish the claim limitations within the independent claim. It is unclear to the Examiner what is meant by 'to compare the at least two tree-structured data items, creating an operation sequence, in which each operation for transforming one of the tree-structured data items into the other tree-structured data item'. The language is not clear and fails to accurately provide a step-by-step procedure for what is being done with the two tree-structured data items.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. **Claims 1, 2-8, 10, 11, 14, and 18-23, are rejected under 35 U.S.C. 102(e) as being anticipated by Fernandez et al, USPN 6,785,673 filed (12/28/2001)**

**In reference to independent claim 1, 3, 14** Fernandez teaches:

Converting the executable query into a view tree having plural nodes, each of the nodes having a query and comparing queries of two adjacent nodes with a combination of the queries of the two adjacent nodes (compare to when the structured document having said at least one predetermined element addressed by predetermined addressing information is modified, inputting the structured document to analyze the modification and storing an analysis result in a memory"). See column 14, lines 13-67.

The step of merging the at least one tuple stream and the XML construction portion to generate an XML document includes applying an integration and tagging algorithm (compare to “updating the addressing information according to the analyzed modification so that the addressing information addresses at least one corresponding element”). See column 28, lines 1-67 and column 29, lines 1-67.

**In reference to dependent claim 2**, Fernandez teaches:

The resulting XML view can be virtual. Second, some other application formulates a query over the virtual view, extracting some piece of XML data. For this purpose, an existing XML query language, XML-QL, may be used. Either the result of the RXL view or the result of that XML-QL query may be materialized. See column 4, lines 60-67.

**In reference to dependent claim 4**, Fernandez teaches:

An operation sequence for transforming the tree-structured expressed as a combination of operations of inserting, removing, or modifying a node or a subtree of a tree structure. See column 41, lines 35-60.

**In reference to independent claim 5**, Fernandez teaches:

The integration and tagging algorithm can compare two node indices at a time. Once a node index is compared to the previous node index, the algorithm does not need to refer to the previous node again. See column 42, lines 35-60.

**In reference to dependent claim 6 and 7**, Fernandez teaches:

The integration and tagging algorithm according to the present invention includes several steps. These steps may include receiving one or more tuple streams each containing multiple tuples such that each tuple has a corresponding node index; comparing node indices of two

tuples; and emitting an XML tag based on the result of the comparison. See column 41, lines 35-60.

**In reference to dependent claim 8**, Fernandez teaches:

The resulting XML view can be virtual. Second, some other application formulates a query over the virtual view, extracting some piece of XML data. For this purpose, an existing XML query language, XML-QL, may be used. Either the result of the RXL view or the result of that XML-QL query may be materialized. See column 4, lines 60-67.

**In reference to dependent claim 10 and 11**, Fernandez teaches:

Converting the executable query into a view tree having plural nodes, each of the nodes having a query and comparing queries of two adjacent nodes with a combination of the queries of the two adjacent nodes (compare to when the structured document having said at least one predetermined element addressed by predetermined addressing information is modified, inputting the structured document to analyze the modification and storing an analysis result in a memory"). See column 14, lines 13-67.

The step of merging the at least one tuple stream and the XML construction portion to generate an XML document includes applying an integration and tagging algorithm (compare to "updating the addressing information according to the analyzed modification so that the addressing information addresses at least one corresponding element"). See column 28, lines 1-67 and column 29, lines 1-67.

**In reference to claims 18-23**, the claims reflect the article of manufacture comprising computer usable medium for carrying out the limitations of 1, 3, and 5. Therefore, the claims are rejected under similar rationale.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez et al, USPN 6,785,673 filed (12/28/2001) in view of Hori, ‘Robustness of External Annotation for Web-Page Clipping’ Copyright 2000, ACM, pages 1-8.**

**In reference to independent claim 17,** Fernandez teaches:

Converting the executable query into a view tree having plural nodes, each of the nodes having a query and comparing queries of two adjacent nodes with a combination of the queries of the two adjacent nodes (compare to when the structured document having said at least one predetermined element addressed by predetermined addressing information is modified, inputting the structured document to analyze the modification and storing an analysis result in a memory”). See column 14, lines 13-67.

The step of merging the at least one tuple stream and the XML construction portion to generate an XML document includes applying an integration and tagging algorithm (compare to “updating the addressing information according to the analyzed modification so that the addressing information addresses at least one corresponding element”). See column 28, lines 1-67 and column 29, lines 1-67.

The reference fails to explicitly state annotation data and the difference computation means for computing, when the HTML/XML document for which the annotation data has been made is modified; however, Hori teaches the feature. The annotation feature is taught to illustrate that the location of transcoding is not fixed and therefore could occur in various locations to enable communication between various devices. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made, having the teachings of Fernandez and Hori before him/her to modify the node updating methods taught by Fernandez to include the annotation methods of Hori because it would have enabled communications to multiple devices from various location.

***Allowable Subject Matter***

9. Claims 9, 12, 13, 15, and 16, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

10. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML



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